



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 23RD DAY OF MARCH, 2026

BEFORE

THE HON'BLE MR. JUSTICE S RACHAIAH

CRIMINAL PETITION NO. 2142 OF 2026 (438(Cr.PC) /
482(BNSS))

BETWEEN:

KENCHAPPA G L
S/O LAKSHMANA,
AGED ABOUT 29 YEARS,
OCC: AGRICULTURIST,
R/O GOLLARAHATTI,
KEREHALLI, DANDUR,
AJJAMPURA TALUK,
CHIKKAMAGALURU DISTRICT - 577 547

Digitally
signed by
NARAYANA
UMA

Location:
High Court
of
Karnataka

...PETITIONER

(BY SRI. RAVINDRA B.DESHPANDE.,ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
BY AJJAMPURA POLICE STATION,
TARIKERE SUB-DIVISION,
CHIKKAMAGALURU DISTRICT - 577 547
(REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT BUILDINGS,
BENGALURU - 560 001)



2. VICTIM
D/O (NOT KNOWN, AGD MAJOR)
(IN CRIME NO. 331/2025 OF
AJJAMPURA POLICE STATION),
R/O GOLLARAHATTI, KEREHALLI,
DANDUR, AJJAMPURA TALUK,
CHIKKAMAGALURU DISTRICT - 577 547
3. SHRI. CHARAN RAJ
S/O (NOT KNOWN TO PETITIONER)
AGED ABOUT 45 YEARS,
CDPO, TARIKERE,
CHIKKAMAGALURU DISTRICT - 577 228

...RESPONDENTS

(BY SRI. RANGASWAMY R., HCGP)

THIS CRL.P FILED U/S.438 (FILED U/S.482 BNSS) CR.P.C BY THE ADVOCATE FOR THE PETITIONER PRAYING TO DIRECT THE CONCERNED POLICE OF AJJAMPURA POLICE STATION CHIKKAMAGALURU DISTRICT TO ENLARGE THE PETITIONER ON ANTICIPATORY BAIL IN CRIME NO.331/2025 OF AJJAMPURA POLICE STATION, CHIKKAMAGALURU DISTRICT IN THE EVENT OF HIS ARREST (REGISTERED FOR THE OFFENCE P/US/ 64(2)(m) OF BNS 2023 (CORRESPONDENT PROVISION U/S.376(2)(n) OF IPC AND SEC.6 OF POCSO ACT 2012 NOW ON THE FILE OF THE FTC-I CHIKKAMAGALURU) WITH SUCH CONDITIONS WHICH THIS HONBLE COURT DEEMS FIT TO BE IMPOSED IN THE CIRCUMSTANCES OF THE CASE.

THIS PETITION, COMING ON FOR ORDERS, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

CORAM: HON'BLE MR. JUSTICE S RACHAIAH



ORAL ORDER

1. This Criminal Petition is filed by the petitioner who is the sole accused in Crime No.0331/2025 filed by the respondent – Police, for the offences punishable under Section 64(2)(m) of The Bharatiya Nyaya Sanhita, 2023 (*for short BNS*) and under Section 6 of Protection of Children from Sexual Offences Act, 2012 (*for short POCSO*).

Factual matrix of the case:

2. The case of the prosecution is that one Charan Raj/CW-2 had lodged a complaint stating that the victim, who is the resident of Gollarahatti, Kerehalli, Ajjampura Taluk, Chikkamagaluru District, had been to the Primary Health Centre, Cheeranahalli where she was advised to go for urine test. In the said case, it has been found that she was pregnant. Considering the said aspect and also considering the age of the victim, the said complaint has been registered by the complainant. The investigation is under process.



3. Heard Sri. P.B. Umesh, learned counsel for the petitioner and Sri. Rangaswamy R., learned High Court Government Pleader for respondent No.1 – State of Karnataka.

4. Learned counsel for the petitioner submits that the petitioner is innocent of the alleged offences, the petitioner is none other than the maternal uncle of the victim. The family of the petitioner had decided to perform the marriage of the victim with the petitioner. In the meantime, the alleged sexual assault had taken place. Consequently, she became pregnant and it was brought to the notice of the complainant.

5. It is further submitted that the victim had completed 18 years and the petitioner had married her and both are living together happily and also they belong to the same family. If, the petitioner is not enlarged on bail, there will be hardship caused to both the petitioner and the victim. Therefore, the petitioner may be released on bail by imposing suitable conditions. Making such submissions, the learned counsel for the petitioner prays to allow the petition.

6. Per Contra, learned High Court Government Pleader for respondent – State, vehemently submitted that the



respondent - Police have conducted investigation and submitted the absconding charge-sheet. The petitioner is necessary for the investigation. If, the petitioner is enlarged on bail, there may be chances of him not co-operating with the investigation. Even, the respondent did not co-operate with the investigation and she has not undergone medical examination. Since the offence has been committed against the victim who is a minor, it is necessary to reject the bail petition. Making such submissions learned High Court Government Pleader for respondent - State prays to reject the petition.

7. Heard learned counsel for the respective parties and perused the averments of the complaint. It appears from the record that the petitioner is none other than the maternal uncle of the victim. The family members have arranged to perform the marriage of the victim and the petitioner. In the meantime, the victim has been diagnosed as pregnant when she had undergone medical test by the Primary Health Centre.

In the mean time, it is stated that the family members have performed the marriage of the petitioner and the victim.



Both are residing happily. Having considered the said aspects, it is appropriate to grant him bail.

8. Accordingly, I proceed to pass the following:

ORDER

- i. The criminal petition is ***allowed***.
- ii. The petitioner is ordered to be enlarged on bail in the event of his arrest in Crime No.0331/2025 filed by the respondent – Police for the offences punishable under Section 64(2)(m) of the BNS, 2023 and under Section 6 of POCSO Act, 2012, on executing a personal bond for a sum of Rs.1,00,000/- with one surety to the like sum of the satisfaction of the Trial Court.
- iii. The petitioner shall appear before the Jurisdictional Police within a period of one month from today.
- iv. The petitioner shall not threaten or tamper the prosecution witnesses.
- v. The petitioner shall appear before the Trial Court on all hearing dates, without fail.



- vi. The petitioner shall not leave the jurisdiction of the Court till disposal of the case.

In case, if, the petitioner violates any of the bail conditions mentioned above, liberty is reserved to the prosecution to file necessary application for cancellation of bail.

Sd/-
(S RACHAIAH)
JUDGE

NM